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AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

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## 1939 RANGE CONSERVATION PROGRAM BULLETIN

## SOUTHERN REGION BULLETIN 351

[Applicable only to Texas and Oklahoma]

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Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1939, payments will be made for participation in the 1939 Range Conservation Program in accordance with the provisions hereof and such modifications thereof or other revisions as may hereafter be made.

The provisions of the 1939 Agricultural Conservation Program, including the Range Conservation Program, are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. Any increase or decrease in rates of payment made because of the extent of participation in the Range Conservation Program will not exceed 10 percent.

The provisions of the 1939 Range Conservation Program contained herein, except section 9, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties in Oklahoma and Texas for which special range programs under said Act are approved for 1939 by the Secretary; and (3) public domain of the United States, including land

owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

**SECTION 1. Rates of Range-Building Payments.**—Within the limits of the range-building allowance and subjects to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1939 the following range-building practices when carried out in accordance with specifications, if any, issued by the Director of the Southern Division, or by the State committee with the approval of the Director of the Southern Division, and when performed in a workmanlike manner and in accordance with accepted standards of good ranching, provided any such practice is approved for the ranching unit by the county committee prior to its institutions.

Practices and conditions of payment	Rate of payment
<p><b>1. RESEEDING OF RANGE LAND</b></p> <p>(a) Natural reseeding by deferred grazing:</p> <p>For withholding 25 percent of the range land in the ranching unit from grazing for the normal period from the start of forage growth to seed maturity, established by the State committee and approved by the Regional Director: <i>Provided</i> (1) if grazing is deferred on less than 25 percent of the range land in the ranching unit, or the area deferred is normally grazed for one month or more but not all the months in the period approved for deferred grazing, a proportionate payment will be made; (2) on ranching units on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (3) on ranching units used exclusively for grazing sheep either the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the nongrazed acreage is prevented by herding; (4) the remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed; (5) such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period for which payment is claimed; (6) the ranch operator has submitted to the county committee in writing the designation of the nongrazing range area of the ranching unit previous to the institution of such practice; and (7) if recommended by the county committee and approved by the State committee, the operator eradicates prairie dogs from such area, mows such deferred acreage if badly infested with undesirable weeds or shrubs or complies with such other conditions or specifications as are recommended by the county committee and approved by the State committee as being needed in the interest of range conservation, such county committee recommendation to be made prior to the date set for the beginning of the deferred grazing period.</p>	<p>60 percent of that part of the range - building allowance which is computed under section 2; <i>Provided</i>, That if the ranch operator fails to comply with any conditions or specifications established by the county committee under subparagraph (7) of this paragraph (a) the rate shall be 40 percent of that part of the range-building allowance computed under section 2.</p>



Practices and conditions of payment	Rate of payment
<b>1. RESEEDING OF RANGE LAND—Con.</b>	
(b) Artificial reseeding: For reseeding depleted range land with good seed of adapted varieties of range grasses, legumes or forage shrubs.	\$0.20 per pound of seed sown, but not in excess of \$2.00 per acre.
(c) Artificial sodding: For resodding depleted range land with adapted varieties of range grasses.	\$3.00 per acre.
<b>2. EROSION AND RUNOFF CONTROL</b>	
(d) Contour listing, furrowing, or subsoiling: For listing, furrowing, or subsoiling range land on the contour.	\$0.50 per acre.
(e) Contour ridging: For ridging range land on the contour-----	\$0.10 per 100 linear feet.
(f) Spreader dams and terraces: For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land.	
(1) Spreader dams-----	\$0.15 per cubic yard of material moved.
(2) Spreader terraces-----	\$0.50 per 100 linear feet.
<b>3. DEVELOPMENT OF STOCK WATER ON RANGE LAND</b>	
(g) Earthen tanks or reservoirs: For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock.	\$0.15 per cubic yard of material moved not in excess of 5,000 cubic yards, and \$0.10 per cubic yard of material moved in excess of 5,000 cubic yards for each tank or reservoir.
(h) Concrete or rubble masonry dams: For constructing concrete or rubble masonry dams in rough or broken areas (where earthen dams or reservoirs are impracticable and where there is no possibility of using the masonry dam for irrigation), for the purpose of providing water for range livestock.	
(i) Wells:	
(1) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at any ranch headquarters.	\$6.00 per cubic yard of concrete or rubble masonry.
(2) For drilling or digging wells with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. An artesian well with casing less than 4 inches in diameter will qualify for payment, provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at any ranch headquarters.	\$2.00 per linear foot.
	\$1.00 per linear foot.

Practices and conditions of payment	Rate of payment
<b>3. DEVELOPMENT OF STOCK WATER ON RANGE LAND—Continued.</b>	
(j) Development of natural watering places: For developing springs or seeps for the purpose of providing water for range livestock, provided the source is protected from trampling, and at least 20 cubic feet of available water storage is provided.	\$0.30 per cubic foot in soil or gravel and \$0.50 per cubic foot in rock formation for excavation of source, provided the minimum payment will be \$20.00 and the maximum payment \$100.00 for any single development.
<b>4. PLANTING AND MAINTAINING A STAND OF TREES</b>	
(k) Tree planting: Planting of trees on range land provided that the trees are planted in 1939 prior to November 1; that the number, kind, and age of trees planted and methods of planting and growing of such trees are in accordance with approved specifications; and that the acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock.	\$7.50 per acre.
<b>5. CONSERVATION OF RANGE LANDS THROUGH ELIMINATION OF DESTRUCTIVE PLANTS</b>	
(m) Prickly pear and cactus: (1) Light infestation ----- (2) Medium infestation ----- (3) Heavy infestation -----	\$0.50 per acre. \$0.75 per acre. \$1.00 per acre.
(n) Mesquite: (1) Light infestation ----- (2) Medium infestation ----- (3) Heavy infestation -----	\$0.50 per acre. \$1.00 per acre. \$2.00 per acre.
(o) Cedar: (1) Light infestation ----- (2) Medium infestation ----- (3) Heavy infestation -----	\$0.75 per acre. \$1.00 per acre. \$1.50 per acre.
(p) Lechuguilla: (1) Heavy infestation -----	\$0.50 per acre.
<i>Provided, That if the county committee determines the elimination of destructive plants under any of practices (m) to (p), inclusive, will reduce the vegetative cover to such an extent as to encourage increased soil erosion, the use of practice (b), Artificial reseedling, shall also be required where soil and climatic conditions permit.</i>	
<b>6. FIRE GUARDS</b>	
For the establishment on range land of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if any fire guard is used in connection with controlled burning within the ranching unit.	\$0.05 per 100 linear feet.



**SEC. 2. Range-Building Allowance.**—The range-building allowance shall be 2 cents per acre of range land in the ranching unit plus \$1.00 times the grazing capacity of the range land; *Provided*, however, that the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit.

**SEC. 3. Conditions of Payment.** (a) **Promotion of conservation and good range management.**—Payments for carrying out range-building practices are conditioned upon the adoption or maintenance of conservative range management practices designed to secure or maintain a good stand of grass or other palatable forage plants and in bringing about such use of the forage resources of the ranch as will most effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. Payments under the 1939 Range Conservation Program will be made only with respect to those ranching units on which the county committee certifies that such range management practices have been followed. The range-building practices approved by the county committee for any ranching unit shall be practices which the county committee finds are needed on the ranch in order to promote conservation and good range management.

(b) **Payments limited to range-building allowance.**—The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the State committee and approved by the Director of the Southern Division. Payments made for carrying out range-building practices shall not be subject to the provisions of Section 9 of the 1939 Agricultural Conservation Program Bulletin.

(c) **State or Federal aid.**—No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency other than the Agricultural Adjustment Administration, if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such practice at one-half of the rate specified in section 1; *Provided*, that labor, seed, trees, and materials furnished to a State, political subdivision of a State, or any agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State . . . agency" within the meaning of this paragraph. Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency. No payment will be made for the planting and protection of forest trees planted under a cooperative agreement entered into with the Forest Service in connection with the Prairie States Forestry Project.

**SEC. 4. Changes in Leasing Arrangements and Other Devices.**—No payment will be made to any person who has for 1939 made any



change from the 1938 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1938 leasing arrangements of such range land were in effect for 1939. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1939 Range Conservation Program has made any change from the 1938 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1939 Range Conservation Program.

**SEC. 5. Eligibility for Payment.** (a) **Persons eligible to file application.**—Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

(b) **Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) **Excess cotton acreage.**—Any person who makes application for payment with respect to any ranching unit located in a county in which cotton is planted in 1939 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1939 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1939 and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1939 on acreage in excess of the cotton acreage allotment established for the farm in 1939 shall not be eligible for any payment under the provisions of the 1939 Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton acreage allotment for the farm for 1939 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

**SEC. 6. Payment Restricted to Effectuation of the Purposes of the Program.**—All or any part of any payments which otherwise would be made to any person under the 1939 Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous range conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1939.

**SEC. 7. Payments Computed and Made Without Regard to Claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in section 11), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

**SEC. 8. Increase in Small Payments.**—The total payment computed for any person with respect to any ranching unit shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:



Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to 1.99-----	\$0. 40	\$32.00 to 32.99-----	\$10. 40
2.00 to 2.99-----	0. 80	33.00 to 33.99-----	10. 60
3.00 to 3.99-----	1. 20	34.00 to 34.99-----	10. 80
4.00 to 4.99-----	1. 60	35.00 to 35.99-----	11. 00
5.00 to 5.99-----	2. 00	36.00 to 36.99-----	11. 20
6.00 to 6.99-----	2. 40	37.00 to 37.99-----	11. 40
7.00 to 7.99-----	2. 80	38.00 to 38.99-----	11. 60
8.00 to 8.99-----	3. 20	39.00 to 39.99-----	11. 80
9.00 to 9.99-----	3. 60	40.00 to 40.99-----	12. 00
10.00 to 10.99-----	4. 00	41.00 to 41.99-----	12. 10
11.00 to 11.99-----	4. 40	42.00 to 42.99-----	12. 20
12.00 to 12.99-----	4. 80	43.00 to 43.99-----	12. 30
13.00 to 13.99-----	5. 20	44.00 to 44.99-----	12. 40
14.00 to 14.99-----	5. 60	45.00 to 45.99-----	12. 50
15.00 to 15.99-----	6. 00	46.00 to 46.99-----	12. 60
16.00 to 16.99-----	6. 40	47.00 to 47.99-----	12. 70
17.00 to 17.99-----	6. 80	48.00 to 48.99-----	12. 80
18.00 to 18.99-----	7. 20	49.00 to 49.99-----	12. 90
19.00 to 19.99-----	7. 60	50.00 to 50.99-----	13. 00
20.00 to 20.99-----	8. 00	51.00 to 51.99-----	13. 10
21.00 to 21.99-----	8. 20	52.00 to 52.99-----	13. 20
22.00 to 22.99-----	8. 40	53.00 to 53.99-----	13. 30
23.00 to 23.99-----	8. 60	54.00 to 54.99-----	13. 40
24.00 to 24.99-----	8. 80	55.00 to 55.99-----	13. 50
25.00 to 25.99-----	9. 00	56.00 to 56.99-----	13. 60
26.00 to 26.99-----	9. 20	57.00 to 57.99-----	13. 70
27.00 to 27.99-----	9. 40	58.00 to 58.99-----	13. 80
28.00 to 28.99-----	9. 60	59.00 to 59.99-----	13. 90
29.00 to 29.99-----	9. 80	60.00 to 185.99-----	14. 00
30.00 to 30.99-----	10. 00	186.00 to 199.99-----	(1)
31.00 to 31.99-----	10. 20	200.00 and over-----	(2)

<sup>1</sup> Increase to \$200.00.

<sup>2</sup> No increase.

**SEC. 9. Payments Limited to \$10,000.**—The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1939 Agricultural Conservation Program, including the Range Conservation Program, may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**SEC. 10. Deductions for Association Expenses.**—There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated



administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

**SEC. 11. Assignments.**—Any person who may be entitled to any payment in connection with the 1939 Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration.

Nothing contained in this section 11 shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

**SEC. 12. Establishment of Grazing Capacities.**—There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the Director of the Southern Division as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

**SEC. 13. Appeals.**—Any person may within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any ranching unit in which he has an interest: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

**SEC. 14. Definitions.**—For the purposes of the 1939 Range Conservation Program unless the context otherwise requires:

**Secretary** means the Secretary of Agriculture of the United States.

**Director of the Southern Division** means the Administrative Officer of the Agricultural Adjustment Administration in charge of the 1939

Agricultural Conservation Program and the 1939 Range Conservation Program in the Southern Region.

**State committee** means the group of persons designated for any State to assist in the administration of the agricultural conservation programs and the range conservation programs in such State.

**County committee** means the group of persons elected for any county to assist in the administration of the agricultural conservation programs and the range conservation programs in such county.

**Person** means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

**Range-building payment** means a payment for the carrying out of one or more approved range-building practices.

**Range-building allowance** means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

**Ranch operator** means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of a ranching unit in 1939.

**Range land** means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States, including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

**Ranching unit** means all range land which is used in 1939 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land. In order to facilitate the administration of the program the Director of the Southern Division may prescribe that for the purposes of this program tracts shall be deemed ranching units only if they contain more than the minimum acreage of range land fixed by him. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

**Animal unit** means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

**Grazing capacity of range land** means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

Issued December 8, 1938, with the approval of the Administrator and the undersigned.

I. W. DUGGAN,  
*Director, Southern Division,*  
*Agricultural Adjustment Administration.*





